

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

KURT MUZQUIZ,)
Petitioner,)
v.) No. 1:07-cv-361-DFH-TAB
CRAIG HANKS, Superintendent,)
Respondent.)

E N T R Y

The petitioner's motion for an extension of time is granted. The petitioner shall have **through June 27, 2007**, in which to reply to the respondent's return to order to show cause.

The petitioner's motion for summary judgment filed on April 20, 2007, is **denied**. The reason for this ruling is that the petitioner has not established through such motion that he is entitled to the relief sought in this action. Cf. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986) ("A party seeking summary judgment always bears the initial responsibility of informing the district court of the basis for its motion, and . . . demonstrat[ing] the absence of a genuine issue of material fact."). Nonetheless, the arguments presented by the petitioner in his motion for summary judgment will be considered in the resolution of his claims and of any defenses asserted by the respondent in this action.

So ordered.



DAVID F. HAMILTON, Judge
United States District Court

Date: 6/19/2007

Distribution:

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